



Sen. Kimberly A. Lightford

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1 AMENDMENT TO SENATE BILL 3004

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3004 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections  
5 10-20.14, 10-22.6, 13A-11, 27A-5, and 34-19 as follows:

6 (105 ILCS 5/10-20.14) (from Ch. 122, par. 10-20.14)

7 Sec. 10-20.14. Student discipline policies; Parent-teacher  
8 advisory committee.

9 (a) To establish and maintain a parent-teacher advisory  
10 committee to develop with the school board or governing body of  
11 all elementary and secondary schools, charter schools, special  
12 charter districts, and alternative schools organized under  
13 Article 13A of this Code policy guidelines on pupil discipline,  
14 including school searches, to furnish a copy of the policy to  
15 the parents or guardian of each pupil within 15 days after the  
16 beginning of the school year, or within 15 days after starting

1 classes for a pupil who transfers into the district during the  
2 school year, and to require that each school informs its pupils  
3 of the contents of its policy. School boards, along with the  
4 parent-teacher advisory committee, must ~~are encouraged to~~  
5 annually review their pupil discipline policies, the  
6 implementation of those policies, and any other factors related  
7 to the safety of their schools, pupils, and staff.

8 (a-5) On or before January 1, 2015, the student discipline  
9 policy of each elementary and secondary school, charter school,  
10 special charter district, and alternative school organized  
11 under Article 13A of this Code, shall, at a minimum, create  
12 pupil discipline policies that fulfill the requirements set  
13 forth in this Section, subsections (a) and (b) of Section  
14 10-22.6 of this Code, Section 34-19 of this Code, and federal  
15 and State laws that provide special requirements for the  
16 discipline of students with disabilities.

17 (b) The parent-teacher advisory committee in cooperation  
18 with local law enforcement agencies shall develop, with the  
19 school board, policy guideline procedures to establish and  
20 maintain a reciprocal reporting system between the school  
21 district and local law enforcement agencies regarding criminal  
22 offenses committed by students. School districts are  
23 encouraged to create memoranda of understanding with local law  
24 enforcement agencies that clearly define law enforcement's  
25 role in schools, in accordance with Section 10-22.6 of this  
26 Code.

1 (c) The parent-teacher advisory committee, in cooperation  
2 with school bus personnel, shall develop, with the school  
3 board, policy guideline procedures to establish and maintain  
4 school bus safety procedures. These procedures shall be  
5 incorporated into the district's pupil discipline policy.

6 (d) The school board, in consultation with the  
7 parent-teacher advisory committee and other community-based  
8 organizations, must include provisions in the student  
9 discipline policy to address students who have demonstrated  
10 behaviors that put them at risk for aggressive behavior,  
11 including without limitation bullying, as defined in the  
12 policy. These provisions must include procedures for notifying  
13 parents or legal guardians and early intervention procedures  
14 based upon available community-based and district resources.

15 (Source: P.A. 91-272, eff. 1-1-00; 92-260, eff. 1-1-02.)

16 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

17 Sec. 10-22.6. Suspension or expulsion of pupils; school  
18 searches.

19 (a) To expel pupils ~~guilty of gross disobedience or~~  
20 ~~misconduct, including gross disobedience or misconduct~~  
21 ~~perpetuated by electronic means,~~ and no action shall lie  
22 against them for such expulsion. Expulsion shall take place  
23 only after the parents have been requested to appear at a  
24 meeting of the board, or with a hearing officer appointed by  
25 it, to discuss their child's behavior. Such request shall be

1 made by registered or certified mail and shall state the time,  
2 place and purpose of the meeting. The board, or a hearing  
3 officer appointed by it, at such meeting shall state the  
4 reasons for dismissal and the date on which the expulsion is to  
5 become effective. If a hearing officer is appointed by the  
6 board he shall report to the board a written summary of the  
7 evidence heard at the meeting and the board may take such  
8 action thereon as it finds appropriate. If the board orders the  
9 expulsion of a pupil, the written expulsion order shall detail  
10 the specific reasons why removing the pupil from the learning  
11 environment is in the best interest of the school. The  
12 expulsion order shall also include a rationale as to the  
13 specific duration of the expulsion. An expelled pupil may be  
14 immediately transferred to an alternative program in the manner  
15 provided in Article 13A or 13B of this Code. A pupil must not  
16 be denied transfer because of the expulsion, except in cases in  
17 which such transfer is deemed to cause a threat to the safety  
18 of students or staff in the alternative program.

19 (b) To suspend or by policy to authorize the superintendent  
20 of the district or the principal, assistant principal, or dean  
21 of students of any school to suspend pupils ~~guilty of gross~~  
22 ~~disobedience or misconduct,~~ or to suspend pupils ~~guilty of~~  
23 ~~gross disobedience or misconduct on the school bus~~ from riding  
24 the school bus, and no action shall lie against them for such  
25 suspension. The board may by policy authorize the  
26 superintendent of the district or the principal, assistant

1 principal, or dean of students of any school to suspend pupils  
2 guilty of such acts for a period not to exceed 10 school days.  
3 ~~If a pupil is suspended due to gross disobedience or misconduct~~  
4 ~~on a school bus, the board may suspend the pupil in excess of~~  
5 ~~10 school days for safety reasons.~~ Any suspension shall be  
6 reported immediately to the parents or guardian of such pupil  
7 along with a full statement of the reasons for such suspension  
8 and a notice of their right to a review. The school board must  
9 be given a summary of the notice, including the reason for the  
10 suspension and the suspension length. Upon request of the  
11 parents or guardian the school board or a hearing officer  
12 appointed by it shall review such action of the superintendent  
13 or principal, assistant principal, or dean of students. At such  
14 review the parents or guardian of the pupil may appear and  
15 discuss the suspension with the board or its hearing officer.  
16 If a hearing officer is appointed by the board he shall report  
17 to the board a written summary of the evidence heard at the  
18 meeting. After its hearing or upon receipt of the written  
19 report of its hearing officer, the board may take such action  
20 as it finds appropriate. If a student is suspended pursuant to  
21 this subsection (b), the authorized administrator or board  
22 shall, in the written suspension order, detail the specific  
23 reasons why removing the pupil from the learning environment is  
24 in the best interest of the school. The suspension order shall  
25 also include rationale as to the specific duration of the  
26 suspension. A pupil who is suspended in excess of 20 school

1 days may be immediately transferred to an alternative program  
2 in the manner provided in Article 13A or 13B of this Code. A  
3 pupil must not be denied transfer because of the suspension,  
4 except in cases in which such transfer is deemed to cause a  
5 threat to the safety of students or staff in the alternative  
6 program.

7 (b-5) Among the many possible disciplinary interventions  
8 and consequences available to school officials, school  
9 exclusions, such as out-of-school suspensions and expulsions,  
10 are the most serious. School officials shall limit the number  
11 and duration of expulsions and suspensions to the greatest  
12 extent practicable and are recommended to use them only for  
13 legitimate educational purposes and not as punishment.

14 (b-10) Unless otherwise required by federal law or this  
15 Code, school boards may not institute zero-tolerance policies  
16 by which school administrators are required to suspend or expel  
17 students for particular behaviors, regardless of the gravity of  
18 behavior, mitigating circumstances, or the situational  
19 context.

20 (b-15) Out-of-school suspensions of 3 days or less may only  
21 be used if the student's continuing presence in school would  
22 pose a threat to school safety or a disruption to other  
23 students' learning opportunities. For purposes of this  
24 subsection (b-15), "threat to school safety or a disruption to  
25 other students' learning opportunities" shall be determined on  
26 a case-by-case basis by the school board or its designee.

1 School officials shall make all reasonable efforts to resolve  
2 such threats and minimize the length of suspensions to the  
3 greatest extent practicable.

4 (b-20) Unless otherwise required by this Code,  
5 out-of-school suspensions of longer than 3 days may only be  
6 used if the student has committed an act of gross disobedience  
7 or misconduct, the student's continuing presence in school  
8 would pose an ongoing threat to the physical safety of other  
9 students or staff, and other appropriate behavioral and  
10 disciplinary interventions have been exhausted. For purposes  
11 of this subsection (b-20), "ongoing threat to the physical  
12 safety of other students or staff" shall be determined on a  
13 case-by-case basis by the school board or its designee. School  
14 officials shall make all reasonable efforts to resolve such  
15 threats and minimize the length of student exclusions to the  
16 greatest extent practicable. For purposes of this subsection  
17 (b-20), the determination of whether "appropriate behavioral  
18 and disciplinary interventions have been exhausted" shall be  
19 made by the school board or its designee. Within the suspension  
20 order described in subsection (b) of this Section, it shall be  
21 documented whether other interventions were attempted or  
22 whether it was determined that there were no other appropriate  
23 interventions.

24 (b-25) Unless otherwise required by this Code, expulsions  
25 and disciplinary removals to alternative schools may only be  
26 used if the student has committed an act of gross disobedience

1 or misconduct; the act involved the distribution of illegal  
2 drugs or controlled substances to other students, weapons, or  
3 other destructive devices, sexual assault, or the use of  
4 physical violence against another student or staff member that  
5 resulted in physical injury to that person, or knowingly  
6 putting another student or staff member at risk of serious  
7 bodily injury or death; the student's continuing presence in  
8 school would pose an ongoing threat to the physical safety of  
9 other students or staff; and other appropriate behavioral and  
10 disciplinary interventions have been exhausted. For purposes  
11 of this subsection (b-25), "ongoing threat to the physical  
12 safety of other students or staff" shall be determined on a  
13 case-by-case basis by the school board or its designee. School  
14 officials shall make all reasonable efforts to resolve such  
15 threats and minimize the length of student exclusions to the  
16 greatest extent practicable. For purposes of this subsection  
17 (b-25), the determination of whether "appropriate behavioral  
18 and disciplinary interventions have been exhausted" shall be  
19 made by the school board or its designee. Within the expulsion  
20 order described in subsection (a) of this Section, it shall be  
21 documented whether other interventions were attempted or  
22 whether it was determined that there were no other appropriate  
23 interventions.

24 (b-30) Students who are suspended out-of-school for longer  
25 than 3 days, expelled, or removed to an alternative setting for  
26 disciplinary reasons shall be provided appropriate behavioral

1 support services that the school district has available. For  
2 purposes of this subsection (b-30), the determination of  
3 whether "appropriate behavioral support services" will be  
4 provided shall be made by the school board or its designee.  
5 Within the suspension order described in subsection (b) of this  
6 Section, it shall be documented whether such services will be  
7 provided or whether it was determined that there are no such  
8 appropriate services.

9 (b-35) Students who are suspended or expelled and have not  
10 been admitted to another school shall continue to be provided  
11 educational services to promote their successful return to  
12 their regular school. These services shall include, at a  
13 minimum, that each suspended or expelled student be provided a  
14 full opportunity to earn equivalent academic credit during the  
15 suspension or expulsion period. Suspended or expelled students  
16 not placed in an alternative education program shall receive  
17 daily classwork and assignments from each teacher and shall be  
18 allowed to make up assignments and earn equivalent credits, and  
19 their work shall be reviewed and graded, without penalty, by  
20 their teachers on a weekly basis and returned to them. The  
21 suspended or expelled student's school shall designate a school  
22 staff person to serve as the liaison between the student and  
23 all relevant teachers and ensure that these requirements are  
24 met.

25 (c) The Department of Human Services shall be invited to  
26 send a representative to consult with the board at such meeting

1 whenever there is evidence that mental illness may be the cause  
2 for expulsion or suspension.

3 (c-5) School districts shall make all reasonable efforts to  
4 provide professional development to teachers, administrators,  
5 school board members, school resource officers, and staff on  
6 the adverse consequences of school exclusion and  
7 justice-system involvement, effective classroom management  
8 strategies, culturally responsive discipline, and  
9 developmentally appropriate disciplinary methods that promote  
10 positive and healthy school climates.

11 (d) The board may expel a student for a definite period of  
12 time not to exceed 2 calendar years, as determined on a case by  
13 case basis. A student who is determined to have brought one of  
14 the following objects to school, any school-sponsored activity  
15 or event, or any activity or event that bears a reasonable  
16 relationship to school shall be expelled for a period of not  
17 less than one year:

18 (1) A firearm. For the purposes of this Section,  
19 "firearm" means any gun, rifle, shotgun, weapon as defined  
20 by Section 921 of Title 18 of the United States Code,  
21 firearm as defined in Section 1.1 of the Firearm Owners  
22 Identification Card Act, or firearm as defined in Section  
23 24-1 of the Criminal Code of 2012. The expulsion period  
24 under this subdivision (1) may be modified by the  
25 superintendent, and the superintendent's determination may  
26 be modified by the board on a case-by-case basis.

1           (2) A knife, brass knuckles or other knuckle weapon  
2           regardless of its composition, a billy club, or any other  
3           object if used or attempted to be used to cause bodily  
4           harm, including "look alike" of any firearm as defined in  
5           subdivision (1) of this subsection (d). The expulsion  
6           requirement under this subdivision (2) may be modified by  
7           the superintendent, and the superintendent's determination  
8           may be modified by the board on a case-by-case basis.

9           Expulsion or suspension shall be construed in a manner  
10          consistent with the Federal Individuals with Disabilities  
11          Education Act. A student who is subject to suspension or  
12          expulsion as provided in this Section may be eligible for a  
13          transfer to an alternative school program in accordance with  
14          Article 13A of the School Code. ~~The provisions of this~~  
15          ~~subsection (d) apply in all school districts, including special~~  
16          ~~charter districts and districts organized under Article 34.~~

17          (d-5) The board may suspend or by regulation authorize the  
18          superintendent of the district or the principal, assistant  
19          principal, or dean of students of any school to suspend a  
20          student for a period not to exceed 10 school days or may expel  
21          a student for a definite period of time not to exceed 2  
22          calendar years, as determined on a case by case basis, if (i)  
23          that student has been determined to have made an explicit  
24          threat on an Internet website against a school employee, a  
25          student, or any school-related personnel, (ii) the Internet  
26          website through which the threat was made is a site that was

1 accessible within the school at the time the threat was made or  
2 was available to third parties who worked or studied within the  
3 school grounds at the time the threat was made, and (iii) the  
4 threat could be reasonably interpreted as threatening to the  
5 safety and security of the threatened individual because of his  
6 or her duties or employment status or status as a student  
7 inside the school. ~~The provisions of this subsection (d 5)~~  
8 ~~apply in all school districts, including special charter~~  
9 ~~districts and districts organized under Article 34 of this~~  
10 ~~Code.~~

11 (e) To maintain order and security in the schools, school  
12 authorities may inspect and search places and areas such as  
13 lockers, desks, parking lots, and other school property and  
14 equipment owned or controlled by the school, as well as  
15 personal effects left in those places and areas by students,  
16 without notice to or the consent of the student, and without a  
17 search warrant. As a matter of public policy, the General  
18 Assembly finds that students have no reasonable expectation of  
19 privacy in these places and areas or in their personal effects  
20 left in these places and areas. School authorities may request  
21 the assistance of law enforcement officials for the purpose of  
22 conducting inspections and searches of lockers, desks, parking  
23 lots, and other school property and equipment owned or  
24 controlled by the school for illegal drugs, weapons, or other  
25 illegal or dangerous substances or materials, including  
26 searches conducted through the use of specially trained dogs.

1 If a search conducted in accordance with this Section produces  
2 evidence that the student has violated or is violating either  
3 the law, local ordinance, or the school's policies or rules,  
4 such evidence may be seized by school authorities, and  
5 disciplinary action may be taken. School authorities may also  
6 turn over such evidence to law enforcement authorities. ~~The~~  
7 ~~provisions of this subsection (c) apply in all school~~  
8 ~~districts, including special charter districts and districts~~  
9 ~~organized under Article 34.~~

10 (f) Suspension or expulsion may include suspension or  
11 expulsion from school and all school activities and a  
12 prohibition from being present on school grounds.

13 (g) A school district may adopt a policy providing that if  
14 a student is suspended or expelled for any reason from any  
15 public or private school in this or any other state, the  
16 student must complete the entire term of the suspension or  
17 expulsion in an alternative school program under Article 13A of  
18 this Code or an alternative learning opportunities program  
19 under Article 13B of this Code ~~before being admitted into the~~  
20 ~~school district if there is no threat to the safety of students~~  
21 ~~or staff in the alternative program. This subsection (g)~~  
22 ~~applies to all school districts, including special charter~~  
23 ~~districts and districts organized under Article 34 of this~~  
24 ~~Code.~~

25 (h) A student may not be arrested or otherwise cited for a  
26 criminal offense committed during school hours while on school

1 grounds, in school vehicles, or at school activities or  
2 school-sanctioned events unless:

3 (1) the offense would constitute a felony, if committed  
4 outside of the school setting, in one of the classes  
5 defined in the Criminal Code of 2012;

6 (2) the offense involves the possession of a controlled  
7 substance and would constitute a felony offense, Class A  
8 misdemeanor, or Class B misdemeanor, as defined in the  
9 Criminal Code of 2012; or

10 (3) the offense involved an act of physical violence  
11 against another student or school staff member or resulted  
12 in a physical injury to another student or school staff  
13 member, and the arrest or citation of the student is  
14 necessary to avoid an ongoing threat to the physical safety  
15 of other students or staff.

16 For purposes of this subsection (h), "ongoing threat to the  
17 physical safety of other students or staff" shall be determined  
18 on a case-by-case basis by the school board or its designee.

19 (i) While the option to use justice-system interventions is  
20 available under these conditions, the General Assembly  
21 recommends that they should be used only as a last resort when  
22 there are no other options for safely and appropriately  
23 handling the situation. School employees and officials retain  
24 their authority and discretion under existing law to address  
25 such situations through the existing school discipline  
26 structure as modified by this amendatory Act of the 98th

1 General Assembly.

2 (j) All incidents resulting in an out-of-school suspension  
3 longer than 3 days, expulsion, removal to an alternative  
4 setting, school-based arrest, or school-based criminal  
5 citation shall be documented in a written report that includes  
6 a detailed description of the behavior at issue and an  
7 explanation of why the actions taken were necessary. These  
8 individual reports shall be immediately provided to the parent  
9 or guardian of the student and shall be compiled by each school  
10 district into an annual summary report that is available for  
11 public review. The annual report shall not include any  
12 information that would violate either requirements of the  
13 Illinois School Student Records Act or federal law or allow for  
14 an individual student to be identified.

15 (k) School officials shall not advise or encourage students  
16 to disenroll from school voluntarily due to behavioral or  
17 academic difficulties.

18 (l) A student may not be issued a monetary fine or fee as a  
19 disciplinary consequence.

20 (m) Subsections (a) through (l) of this Section shall apply  
21 to each elementary and secondary school, charter school,  
22 special charter district, and alternative school organized  
23 under Article 13A of this Code and school districts organized  
24 under Article 34 of this Code.

25 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;  
26 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;

1 97-1150, eff. 1-25-13.)

2 (105 ILCS 5/13A-11)

3 Sec. 13A-11. Chicago public schools.

4 (a) The Chicago Board of Education may establish  
5 alternative schools within Chicago and may contract with third  
6 parties for services otherwise performed by employees,  
7 including those in a bargaining unit, in accordance with  
8 Sections 34-8.1, 34-18, and 34-49.

9 (b) Alternative schools operated by third parties within  
10 Chicago shall be exempt from all provisions of this ~~the School~~  
11 Code, except provisions concerning:

- 12 (1) student ~~Student~~ civil rights;
- 13 (2) staff ~~Staff~~ civil rights;
- 14 (3) health ~~Health~~ and safety;
- 15 (4) performance ~~Performance~~ and financial audits;
- 16 (5) the ~~The~~ Illinois Goals Assessment Program;
- 17 (6) Chicago learning outcomes;
- 18 (7) Sections 2-3.25a through 2-3.25j of this ~~the School~~  
19 Code;
- 20 (8) the ~~The~~ Inspector General; ~~and~~
- 21 (9) Section 34-2.4b of this ~~the School~~ Code; and
- 22 (10) the discipline of students under Sections 10-22.6  
23 and 34-19 of this Code.

24 (Source: P.A. 89-383, eff. 8-18-95; 89-636, eff. 8-9-96.)

1 (105 ILCS 5/27A-5)

2 Sec. 27A-5. Charter school; legal entity; requirements.

3 (a) A charter school shall be a public, nonsectarian,  
4 nonreligious, non-home based, and non-profit school. A charter  
5 school shall be organized and operated as a nonprofit  
6 corporation or other discrete, legal, nonprofit entity  
7 authorized under the laws of the State of Illinois.

8 (b) A charter school may be established under this Article  
9 by creating a new school or by converting an existing public  
10 school or attendance center to charter school status. Beginning  
11 on the effective date of this amendatory Act of the 93rd  
12 General Assembly, in all new applications submitted to the  
13 State Board or a local school board to establish a charter  
14 school in a city having a population exceeding 500,000,  
15 operation of the charter school shall be limited to one campus.  
16 The changes made to this Section by this amendatory Act of the  
17 93rd General Assembly do not apply to charter schools existing  
18 or approved on or before the effective date of this amendatory  
19 Act.

20 (b-5) In this subsection (b-5), "virtual-schooling" means  
21 the teaching of courses through online methods with online  
22 instructors, rather than the instructor and student being at  
23 the same physical location. "Virtual-schooling" includes  
24 without limitation instruction provided by full-time, online  
25 virtual schools.

26 From April 1, 2013 through April 1, 2014, there is a

1 moratorium on the establishment of charter schools with  
2 virtual-schooling components in school districts other than a  
3 school district organized under Article 34 of this Code. This  
4 moratorium does not apply to a charter school with  
5 virtual-schooling components existing or approved prior to  
6 April 1, 2013 or to the renewal of the charter of a charter  
7 school with virtual-schooling components already approved  
8 prior to April 1, 2013.

9 On or before March 1, 2014, the Commission shall submit to  
10 the General Assembly a report on the effect of  
11 virtual-schooling, including without limitation the effect on  
12 student performance, the costs associated with  
13 virtual-schooling, and issues with oversight. The report shall  
14 include policy recommendations for virtual-schooling.

15 (c) A charter school shall be administered and governed by  
16 its board of directors or other governing body in the manner  
17 provided in its charter. The governing body of a charter school  
18 shall be subject to the Freedom of Information Act and the Open  
19 Meetings Act.

20 (d) A charter school shall comply with all applicable  
21 health and safety requirements applicable to public schools  
22 under the laws of the State of Illinois.

23 (e) Except as otherwise provided in the School Code, a  
24 charter school shall not charge tuition; provided that a  
25 charter school may charge reasonable fees for textbooks,  
26 instructional materials, and student activities.

1 (f) A charter school shall be responsible for the  
2 management and operation of its fiscal affairs including, but  
3 not limited to, the preparation of its budget. An audit of each  
4 charter school's finances shall be conducted annually by an  
5 outside, independent contractor retained by the charter  
6 school. Annually, by December 1, every charter school must  
7 submit to the State Board a copy of its audit and a copy of the  
8 Form 990 the charter school filed that year with the federal  
9 Internal Revenue Service.

10 (g) A charter school shall comply with all provisions of  
11 this Article, the Illinois Educational Labor Relations Act, and  
12 its charter. A charter school is exempt from all other State  
13 laws and regulations in this ~~the School~~ Code governing public  
14 schools and local school board policies, except the following:

15 (1) Sections 10-21.9 and 34-18.5 of this ~~the School~~  
16 Code regarding criminal history records checks and checks  
17 of the Statewide Sex Offender Database and Statewide  
18 Murderer and Violent Offender Against Youth Database of  
19 applicants for employment;

20 (2) Sections 10-22.6, 24-24, 34-19, and 34-84A of this  
21 ~~the School~~ Code regarding discipline of students;

22 (3) the ~~The~~ Local Governmental and Governmental  
23 Employees Tort Immunity Act;

24 (4) Section 108.75 of the General Not For Profit  
25 Corporation Act of 1986 regarding indemnification of  
26 officers, directors, employees, and agents;

1 (5) the ~~The~~ Abused and Neglected Child Reporting Act;

2 (6) the ~~The~~ Illinois School Student Records Act;

3 (7) Section 10-17a of this ~~the School~~ Code regarding  
4 school report cards; and

5 (8) the ~~The~~ P-20 Longitudinal Education Data System  
6 Act.

7 The change made by Public Act 96-104 to this subsection (g)  
8 is declaratory of existing law.

9 (h) A charter school may negotiate and contract with a  
10 school district, the governing body of a State college or  
11 university or public community college, or any other public or  
12 for-profit or nonprofit private entity for: (i) the use of a  
13 school building and grounds or any other real property or  
14 facilities that the charter school desires to use or convert  
15 for use as a charter school site, (ii) the operation and  
16 maintenance thereof, and (iii) the provision of any service,  
17 activity, or undertaking that the charter school is required to  
18 perform in order to carry out the terms of its charter.  
19 However, a charter school that is established on or after the  
20 effective date of this amendatory Act of the 93rd General  
21 Assembly and that operates in a city having a population  
22 exceeding 500,000 may not contract with a for-profit entity to  
23 manage or operate the school during the period that commences  
24 on the effective date of this amendatory Act of the 93rd  
25 General Assembly and concludes at the end of the 2004-2005  
26 school year. Except as provided in subsection (i) of this

1 Section, a school district may charge a charter school  
2 reasonable rent for the use of the district's buildings,  
3 grounds, and facilities. Any services for which a charter  
4 school contracts with a school district shall be provided by  
5 the district at cost. Any services for which a charter school  
6 contracts with a local school board or with the governing body  
7 of a State college or university or public community college  
8 shall be provided by the public entity at cost.

9 (i) In no event shall a charter school that is established  
10 by converting an existing school or attendance center to  
11 charter school status be required to pay rent for space that is  
12 deemed available, as negotiated and provided in the charter  
13 agreement, in school district facilities. However, all other  
14 costs for the operation and maintenance of school district  
15 facilities that are used by the charter school shall be subject  
16 to negotiation between the charter school and the local school  
17 board and shall be set forth in the charter.

18 (j) A charter school may limit student enrollment by age or  
19 grade level.

20 (k) If the charter school is approved by the Commission,  
21 then the Commission charter school is its own local education  
22 agency.

23 (Source: P.A. 97-152, eff. 7-20-11; 97-154, eff. 1-1-12;  
24 97-813, eff. 7-13-12; 98-16, eff. 5-24-13.)

1           Sec. 34-19. By-laws, rules and regulations; business  
2 transacted at regular meetings; voting; records. The board  
3 shall, subject to the limitations in this Article, establish  
4 by-laws, rules and regulations, which shall have the force of  
5 ordinances, for the proper maintenance of a uniform system of  
6 discipline for both employees and pupils, and for the entire  
7 management of the schools, and may fix the school age of  
8 pupils, the minimum of which in kindergartens shall not be  
9 under 4 years, except that, based upon an assessment of the  
10 child's readiness, children who have attended a non-public  
11 preschool and continued their education at that school through  
12 kindergarten, were taught in kindergarten by an appropriately  
13 certified teacher, and will attain the age of 6 years on or  
14 before December 31 of the year of the 2009-2010 school term and  
15 each school term thereafter may attend first grade upon  
16 commencement of such term, and in grade schools shall not be  
17 under 6 years. It may expel, suspend or, subject to the  
18 limitations of all policies established or adopted under  
19 Sections 10-22.6 and Section 14-8.05, otherwise discipline any  
20 pupil found guilty of violating ~~gross disobedience, misconduct~~  
21 ~~or other violation of~~ the by-laws, rules, and regulations,  
22 ~~including gross disobedience or misconduct perpetuated by~~  
23 ~~electronic means~~. An expelled pupil may be immediately  
24 transferred to an alternative program in the manner provided in  
25 Article 13A or 13B of this Code. A pupil must not be denied  
26 transfer because of the expulsion, except in cases in which

1 such transfer is deemed to cause a threat to the safety of  
2 students or staff in the alternative program. A pupil who is  
3 suspended in excess of 20 school days may be immediately  
4 transferred to an alternative program in the manner provided in  
5 Article 13A or 13B of this Code. A pupil must not be denied  
6 transfer because of the suspension, except in cases in which  
7 such transfer is deemed to cause a threat to the safety of  
8 students or staff in the alternative program. The bylaws, rules  
9 and regulations of the board shall be enacted, money shall be  
10 appropriated or expended, salaries shall be fixed or changed,  
11 and textbooks, electronic textbooks, and courses of  
12 instruction shall be adopted or changed only at the regular  
13 meetings of the board and by a vote of a majority of the full  
14 membership of the board; provided that notwithstanding any  
15 other provision of this Article or the School Code, neither the  
16 board or any local school council may purchase any textbook for  
17 use in any public school of the district from any textbook  
18 publisher that fails to furnish any computer diskettes as  
19 required under Section 28-21. Funds appropriated for textbook  
20 purchases must be available for electronic textbook purchases  
21 and the technological equipment necessary to gain access to and  
22 use electronic textbooks at the local school council's  
23 discretion. The board shall be further encouraged to provide  
24 opportunities for public hearing and testimony before the  
25 adoption of bylaws, rules and regulations. Upon all  
26 propositions requiring for their adoption at least a majority

1 of all the members of the board the yeas and nays shall be  
2 taken and reported. The by-laws, rules and regulations of the  
3 board shall not be repealed, amended or added to, except by a  
4 vote of 2/3 of the full membership of the board. The board  
5 shall keep a record of all its proceedings. Such records and  
6 all by-laws, rules and regulations, or parts thereof, may be  
7 proved by a copy thereof certified to be such by the secretary  
8 of the board, but if they are printed in book or pamphlet form  
9 which are purported to be published by authority of the board  
10 they need not be otherwise published and the book or pamphlet  
11 shall be received as evidence, without further proof, of the  
12 records, by-laws, rules and regulations, or any part thereof,  
13 as of the dates thereof as shown in such book or pamphlet, in  
14 all courts and places where judicial proceedings are had.

15 Notwithstanding any other provision in this Article or in  
16 the School Code, the board may delegate to the general  
17 superintendent or to the attorney the authorities granted to  
18 the board in the School Code, provided such delegation and  
19 appropriate oversight procedures are made pursuant to board  
20 by-laws, rules and regulations, adopted as herein provided,  
21 except that the board may not delegate its authorities and  
22 responsibilities regarding (1) budget approval obligations;  
23 (2) rule-making functions; (3) desegregation obligations; (4)  
24 real estate acquisition, sale or lease in excess of 10 years as  
25 provided in Section 34-21; (5) the levy of taxes; or (6) any  
26 mandates imposed upon the board by "An Act in relation to

1 school reform in cities over 500,000, amending Acts herein  
2 named", approved December 12, 1988 (P.A. 85-1418).

3 (Source: P.A. 96-864, eff. 1-21-10; 96-1403, eff. 7-29-10;  
4 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff.  
5 7-13-12.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law."